

CIVIL MINUTES

CASE NUMBER: 1:02-CV-357 **DATE:** 08/13/2008

CASE CAPTION: JAMES O'NEAL v. WARDEN MARGARET BAGLEY

PROCEEDINGS: Evidentiary Hearing

BEFORE CHIEF UNITED STATES MAGISTRATE JUDGE MICHAEL R. MERZ

COURT REPORTER: Paula Blosser

DIGITAL RECORDING #: _____

COURTROOM DEPUTY: Gayle Hays

PETITIONER'S COUNSEL:

Mike Krumholtz

Larry Greger

RESPONDENT'S COUNSEL

Steve Maher

Hearing reconvened in progress from 7/18/2008. Testimony heard from Attorney John Keller. Petitioner Exhibits 2-9 are admitted into evidence. Transcript of the proceedings is ordered at the regular rate. Petitioner's brief on the merits is due 60 days from the date the transcript is filed. Respondent's response is due 30 days after the filing of the Petitioner's brief. The Writ of H.C. is dissolved and Petitioner is remanded to the custody of the State.

DOCKET ENTRY/ORDERS: _____

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Pet.	Resp.	Exh	Item	Atty.	Exam	Time
			Convene			9:36
2 ✓	2		Mr. Keller sworn	Gregg	Direct	9:37
3 ✓	3		Judgement of Mr. O'Neal			
4 ✓	4		ORC defining Agg. Burg.			
			ORC 2911.21 defines Crim.			
			In recess:			
5 ✓	5		Copy of lease			
			Recess			10:22
			Reconvene			10:30
6 ✓	7		Joint Ex.#3 from Capital Trial			
5 ✓	5		page 3 of 6			
7	7		page 2			
6 ✓	6					
8 ✓	8		35 T L			
9 ✓	9					
8 ✓	8		Joint Ex #1 from Capital Trial			
			Pg. 1 - Certified abstract			
			of marriage license			
				△	Cross	11:10
			Booklet - All from Joint Appendix			
			Tab 1 - Vol II pg. 39			
			" pg. 41			
			Last page			

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Pet.	Resp.	Exh	Item	Atty.	Exam	Time
			Booklet Tab 2 - Mtn to Dism. pg. 2 Tab 3 - pg. 11 Tab 4 Tab 5			
			Tab 1 pg. 49 Tab 3	71	Re-Dict 11:45	
			Witness excused			
			Subpoena issued for Ms. Breeden from CMHA - records custodian:			
			Hearing to the continued in progress until the matter of Ms. Breeden's non-appearance is solved:			
			Object. by Warden of subpoena of records			

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